

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**JAMES VAUGHAN, KURT HARRIS AND JAMES GEITZ,
APPELLANTS
vs.**

**MISSOURI DEPARTMENT OF CORRECTIONS,
RESPONDENT**

DOCKET NUMBER WD74345

DATE: JUNE 26, 2012

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Daniel R. Green, Judge

Appellate Judges:

Division One: Joseph M. Ellis, P.J., James E. Welsh and Alok Ahuja, JJ.

Attorneys:

James Vaughan, Appellant Pro-se

Kurt Harris, Appellant Pro-se

James Geitz, Appellant Pro-se

Michael J. Spillane, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JAMES VAUGHAN, KURT HARRIS AND JAMES GEITZ, APPELLANTS

v.

MISSOURI DEPARTMENT OF CORRECTIONS, RESPONDENT

WD74345

Cole County, Missouri

Before Division One Judges: Joseph M. Ellis, P.J., James E. Welsh and Alok Ahuja, JJ.

Appellants are three convicted sex offenders who committed their crimes prior to January 1, 1995, the effective date of Missouri's Sex Offender Registration Act ("SORA"), § 589.400. On November 17, 2010, Appellants filed their petition for declaratory judgment seeking a declaration that Appellants could not be held liable or punished for failing to register as sex offenders in Missouri because they committed their crimes prior to SORA's enactment date and had not traveled in interstate commerce since July 27, 2006, the effective date of the federal Sex Offender Registration and Notification Act ("SORNA"). The Circuit Court of Cole County entered a judgment granting the Missouri Department of Corrections' motion for judgment on the pleadings. Appellants appeal from that judgment.

AFFIRMED

Division One holds:

(1) The trial court did not err in entering judgment on the pleadings because Appellants argument that they are not required to register as sex offenders in Missouri because they had not traveled in interstate commerce since SORNA's enactment was without merit in that a sex offender's obligation to register pursuant to SORNA is not dependent on his having engaged in interstate travel after SORNA's enactment.

(2) Appellants' argument regarding the applicability of SORNA's registration requirements to persons convicted prior to SORNA's enactment cannot be reviewed by this court because such argument was not made before the trial court.

Opinion by Joseph M. Ellis, Judge

Date: JUNE 26, 2012

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